

### REMARKS

Claim 37 has been amended. No claims are added or canceled by this Amendment. Claims 1-36 were previously canceled. Accordingly, after entry of this Amendment, claims 37-75 will remain pending.

Claims 41, 43, 55, 60-67, and 71-75 have been withdrawn from consideration. Accordingly, claims 37-40, 42, 44-54, 56-59, and 68-70 are currently being examined.

In the Non-Final Office Action dated August 31, 2009, the Examiner provided details of a telephonic Restriction Requirement on August 26, 2009. The details of the Restriction Requirements are as follows:

Group I: Claims 37-59 and 68-70, drawn to a security document; and

Group II: Claims 60-67 and 71-75, drawn to a method of manufacture.

The undersigned confirms that the Applicant elected to pursue the claims encompassed by Group I. Claims 37-40, 42, 44-54, 56-59 and 69-70 are encompassed by Group I.

In the Office Action, the Examiner rejected claims 37-39, 42, 44-47, 50, 51-53, 57, and 68-69 under 35 U.S.C. § 102(b) as being anticipated by Ooshima et al. (U.S. Patent No. 5,463,212). Claims 37, 46-48, 54 and 56 were rejected under 35 U.S.C. § 102(b) as being anticipated by Hardwick et al. (U.S. Patent No. 6,471,248). In addition, the Examiner rejected claim 40 under 35 U.S.C. § 103(a) as being unpatentable over Ooshima et al. Claim 49 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Hardwick et al. Additionally, the Examiner rejected claims 58-59 under 35 U.S.C. § 103(a) as being unpatentable over Ooshima et al. in view of Curatolo (U.S. Patent No. 6,165,609). Finally, claim 70 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Ooshima et al. in view of Hardwick et al. The Applicant respectfully disagrees with these rejections and, therefore, respectfully traverses the same.

The claims of the present invention are patentably distinguishable from the prior art because they recite a security document that combines a number of features including, among them, a substrate including at least one layer of polymeric material containing an upconverting fluorescent material and at least one coating containing a refractive pigment applied to the substrate. None of the references describe or suggest at least this combination of features. As a result, the Applicant respectfully requests that the Examiner withdraw the rejection of the claims.

Ooshima et al. describes a latent image forming member that includes an information indication layer 2 formed on an opaque base 4a made of vinyl chloride including a white pigment such as titanium oxide. (Ooshima et al. at col. 12 at lines 15-19.) The information indication layer 2 comprises fluorescent grains 7, which are excited when irradiated with infrared rays 6. (Ooshima et al. at col. 12, lines 26-29.) The fluorescent grains 7 are suspended in a binder 8 that may be wax, vinyl chloride-vinyl acetate copolymer, ethylene-vinyl acetate copolymer, polyester, polyurethane and carbonate. (Ooshima et al. at col. 12, lines 35-39.)

As should be immediately apparent, Ooshima et al. does not describe a substrate including at least one layer of polymeric material containing an upconverting fluorescent material. As outlined above, the substrate described in Ooshima et al. is an opaque base 4a including a white pigment such as titanium oxide. (Ooshima et al. at col. 12, lines 15-19.) The fluorescent grains 7 are incorporated into the information indication layer 2 that is deposited on top of the base layer 4a. (See, e.g., Ooshima et al. at Fig. 2.) Since Ooshima et al. fails to describe each and every feature recited by the claims currently under examination, the Applicant respectfully submits that the rejection asserted by the Examiner must be withdrawn. Accordingly, the Applicant respectfully requests that the rejection be withdrawn.

Hardwick et al. describes a banknotes incorporating security devices where the bank note is formed from a substrate 10 of clear plastic material onto which opacifying layers of ink 13, 14, 15, 16 are applied. (Hardwick et al. at col. 4, lines 5-17.) The opacifying layers may contain titanium dioxide. (Hardwick et al. at col. 4, lines 17-22.) The security device 20, which is beneath the substrate 10, may include fluorescent inks. (Hardwick et al. at col. 4, lines 35-38.) Like Ooshima et al., however, the security device 20 is not a substrate. Instead, the security device 20 is applied to the substrate 10. As a result, Hardwick et al. also fails to describe each and every feature of the claims currently being examined. The Applicant, therefore, respectfully requests that the Examiner withdraw the rejection for anticipation in view of Hardwick et al.

To assist the Examiner further, the Applicant respectfully points out that the mere fact that Hardwick et al. mentions a fluorescent or phosphorescent ink for the security device 20 does not mean that the material is an upconverting fluorescent material. Similarly, the mere fact that Ooshima et al. discusses a fluorescent grains 7 does not mean that the grains incorporate upconverting fluorescent materials. By definition, a fluorescent material is not necessarily able to

emit a shorter wavelength of light. In this regard, only upconverting fluorescent materials are able to emit shorter wavelengths of light.

Hardwick et al. only mentions fluorescent ink, but does not qualify the ink as being an upconverting fluorescent material. Ooshima et al. only mentions fluorescent grains 7, but does not discuss upconverting fluorescent grains. As a result, for these additional reasons, Ooshima et al., and Hardwick et al., neither describe nor suggest the combination of elements recited by the claims in the present patent application.

Given that Ooshima et al. and Hardwick et al. describe structures that are quite different from the combination of features recited by the claims of the present invention, the Applicant respectfully submits that the rejections for obviousness also must fail. There is simply nothing in either Ooshima et al. or Hardwick et al. that would lead those skilled in the art to a security document that combines a substrate including at least one layer of polymeric material containing an upconverting fluorescent material and a coating containing a refractive pigment applied to the substrate. As a result, the Applicant respectfully submits that the rejections under 35 U.S.C. § 103(a) should be withdrawn.

Curatolo does not cure the deficiencies noted with respect to Ooshima et al. or Hardwick et al. Accordingly, the Applicant respectfully requests that the rejection that relies, in part, on Curatolo also should be withdrawn.

Each of the rejections having been addressed, the Applicant respectfully requests that the Examiner withdraw the rejections under 35 U.S.C. §§ 102(b) and 103(a) so that this patent application may pass quickly to issuance.

In view of the foregoing, the Applicant respectfully submits that the claims in the present application are patentable over the prior art. Accordingly, the Applicant respectfully requests that this application be passed quickly to issuance.

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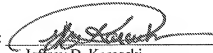
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Respectfully submitted,

BARNES & THORNBURG LLP

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